

1 H. CHRISTIAN L'ORANGE (State Bar No. 71730)  
S. FEY EPLING (State Bar No. 190025)  
2 DRINKER BIDDLE & REATH LLP  
50 Fremont Street, 20th Floor  
3 San Francisco, California 94105-2235  
Telephone: (415) 591-7500  
4 Facsimile: (415) 591-7510  
Email: [Christian.Lorange@dbr.com](mailto:Christian.Lorange@dbr.com)  
5 Email: [Fey.Epling@dbr.com](mailto:Fey.Epling@dbr.com)

6 JASON P. GOSSELIN (admitted pro hac vice)  
HEATH M. LYNCH (admitted pro hac vice)  
7 DRINKER BIDDLE & REATH LLP  
One Logan Square  
8 18th & Cherry Streets  
Philadelphia, PA 19103-6996  
9 Telephone: (215) 988-2700  
Fax: (215) 988-2757  
10 Email: [Jason.Gosselin@dbr.com](mailto:Jason.Gosselin@dbr.com)  
Email: [Heath.Lynch@dbr.com](mailto:Heath.Lynch@dbr.com)

11 Attorneys for Plaintiff  
12 THE LINCOLN NATIONAL LIFE INSURANCE  
COMPANY

13  
14 UNITED STATES DISTRICT COURT  
15 SOUTHERN DISTRICT OF CALIFORNIA

16 THE LINCOLN NATIONAL LIFE  
INSURANCE COMPANY,

17 Plaintiff,

18 v.

19 H. THOMAS MORAN, II, Court-  
Appointed Receiver of LYDIA CAPITAL,  
20 LLC,  
21 Defendant.

Case No. 08-CV-00023-IEG-NLS

**DECLARATION OF HEATH M.  
LYNCH IN SUPPORT OF  
PLAINTIFF'S *EX PARTE*  
APPLICATION FOR AN ORDER  
PERMITTING TELEPHONIC  
APPEARANCE**

22  
23  
24 I Heath M. Lynch declare:

25 1. I am an associate with the law firm of Drinker Biddle & Reath LLP,  
26 counsel of record for Plaintiff THE LINCOLN NATIONAL LIFE INSURANCE  
27 COMPANY ("LINCOLN"). I make the following declaration in support of Plaintiff's *ex*  
28 *parte* application for an order continuing the Early Neutral Evaluation Conference (the

1 “Conference”) currently scheduled for May 19, 2008, and permitting Lincoln to  
2 participate in the Conference via telephone.

3 2. I respectfully request that the Court grant this application. This Order is  
4 necessary to permit Ms. Farabow to participate in the Conference and will not prejudice  
5 Defendant.

6 3. Jason P. Gosselin, co-counsel for Lincoln, provided notice to Shannon K.  
7 Emmons, counsel for Defendant, of my intent to apply on behalf of Lincoln and Ms.  
8 Farabow for the relief requested. Ms. Emmons had no objection to Lincoln’s intended  
9 application, provided that Lincoln agreed not to object to a similar application, if made by  
10 Defendant.

11 I declare under penalty of perjury under the laws of the United States that the  
12 foregoing is true and correct.  
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14 Executed in Philadelphia, Pennsylvania, this 7th day of May, 2008.

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17 /s/ Heath M. Lynch  
18 HEATH M. LYNCH  
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